

**Village of Brewster
Planning Board Meeting Minutes
June 16, 2020**

BOARD MEMBERS IN ATTENDANCE:

Rick Lowell, Chairman
Janet Ward, Vice Chairperson
Katy New
George Gaspar, Village Board Liaison
Greg Folchetti, Attorney - Costello & Folchetti

BOARD MEMBERS ABSENT:

Marti Foster – recused to do potential conflict of interest
David Kulo

Chairman Lowell led the Board in the Pledge of Allegiance, whereupon the proceedings were called to order at 7:30pm.

REGULAR MEETING:

Chairman Lowell made a motion to open the regular meeting. This was seconded by Boardmember Ward and passed unanimously.

The minutes of the April meeting were discussed. Boardmember New said to change 'Boardmember Chairman to Boardmember New.' The motion to approve the April 21, 2020 minutes was introduced by Chairman Lowell, seconded by Boardmember Ward and passed all in favor

LONGVIEW SCHOOL – 571 North Main Street:

Mark Jacobs, Director Longview School, gave a history on the school stating that they have been in existence for 19 years with the last 9 in the Village of Brewster located in the First United Methodist Church. He said before we looked into this new building, we did a thorough walkthrough with the Building Inspectors from the Village to ensure that the building meets State Code for a school and that whatever upgrades for fire safety and ADA that are needed would be able to be done prior to opening. He said we would comply with parking, sidewalks, and ramps so that we would be fully complaint and our intention is to own and care for the property. Mr. Jacobs said Mr. Harrold Lepler is with him tonight as someone who supports this idea and not someone with a vested interest who believes that this proposal will fit in with the Brewster Vision. He said our hope is to open for the Fall semester in September. He said Mr. Lepler and I had conversations with the Village of Brewster and discussed a PILOT program whereby a school, based on an understanding with the Village Board of Trustees, will make payments in lieu of taxes so the Municipality in providing services will be made whole and we've agreed and accepted that in good faith that we would honor that and the Board of Trustees would work with us to find a way to do that.

Mr. Nixon explained the plan to the Board. He said the building has seen a number of uses and this application is pretty consistent with some of its previous uses. He said we are in compliance with all of the bulk regulations as required for that zone and it works

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for this use. He said we have more than enough parking as we have a need for about 15 spaces and we have at least 30 spaces on the site. Most of the work to be done is interior, he said, and the building is two stories and a little over 9,500 sq. ft. with the first floor being larger than the second floor. Mr. Nixon said the school will be using the entire space but the occupancy will be light given the number of students and staff. He said most of the work will consist of additional partitions to create spaces specific to the school use, some modifications to existing conditions to ensure Code compliance, and handicap accessibility will be addressed. He continued: the exterior work is relatively minor including a new fence around the perimeter of the property, fencing off a portion of the property on the south side of the building to accommodate a seating area, cleaning up of the site, and a new sign. The site is served by public utilities. The existing site lighting appears to be adequate.

Chairman Lowell said the engineer's comments had questions about parking in terms of future use and wondering about future expansion of the school in terms of enrollment and how that will impact use. Will there be special events that would require additional parking, he said. Chairman Lowell said will there be any exterior appearance changes on the building?

Mr. Jacobs said we're not planning to make changes to the exterior of the building initially except if you look at the front entrance there is currently a semi-enclosed area that we intend for fully enclose to have a double set of doors for heating purposes instead of the single. In the future we may think of improving the façade but since we have such a short timeline for opening, we're not looking to do that at the currently, he said. He said the fence is for beautification. Regarding parking, he said, we currently have 30 students and project we may have a small increase in the future but nothing that would require more parking than the 30 spots we have available with the site plan currently.

Chairman Lowell said an issue came up with the playground area as currently located and is actually not proper location or setup for a playground, so are you going to have an outdoor rec area for the children.

Mr. Jacobs said yes and we've discussed this with the Building Department and we will use that area as a garden and use an area in the back for a playground area that is currently parking that is not part of the parking on the site plan. He said we are putting a fence even with the building so that the area is no longer used as a driving area and the playground area will be beyond that.

Mr. Nixon said having the former driveway gated off has the potential for emergency access if necessary, but no one would accidentally drive in there. Chairman Lowell said if it's gated it could be locked and perhaps preclude emergency access. Chairman Lowell said we would have to leave that to the inspectors.

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Mr. Lepler said if they are to approach doing a new playground area that would be a submission to the Planning Board for review. Chairman Lowell said it would come back to us even though the Village Board is Lead Agency on this, correct Greg?

Mr. Folchetti said they are considering the Use, but they would still come to this Board for Site Plan Review if the Use is accepted. My understanding is that this application is on the agenda for the Village Board for tomorrow and if approved they would address the Town Engineer's comments and come to the Planning Board for a future meeting and you can consider setting a Public Hearing on the Site Plan.

Frank Smith, attorney for Longview School, said I will respectfully defer all questions related to site plan to Mr. Nixon. What I did want to discuss with the Board is the Special Exception Use application that is going before the Village Board of Trustees and also respectfully request a positive referral from this Board back to the Village Board of Trustees. He said we're looking for a Village of Brewster Special Use Permit under Village Code Section 263-20 and/or 263-25. Mr. Smith gave a brief history of the property. He said in August 1989 the premises were granted a Use Variance from the Zoning Board of Appeals to permit a private community center. In 2011 the premises were granted a Special Exception Use Permit to allow the church that currently operates out of the premises, he said. Mr. Smith said Section 263-20 allows for a special exception use by permit if there are seven criteria met and we went through these with the Village Board of Trustees, but briefly the first criteria is use's impact on the district. He said given that the prior uses are substantially similar being a daycare center, church, martial arts academy; we believe that this use is harmonious and would not increase any impact. The second criteria is how the use would impact neighboring property owners: what we are doing is very similar to what has been done there in the past and there would be no adverse change, he said. Mr. Smith said the third criteria relates to whether the new use would create a nuisance to the neighboring property owners and with the similarity there would not be any increased nuisance. The fourth criterion, he said, is whether it would negatively impact neighboring property owners and we believe this proposed use fits squarely in the district and having a well-regarded private school in the neighborhood is an enhancement. The fifth criteria relates to traffic or an increase in traffic hazards, he said, and I believe there will be a reduction of traffic based on the school operating during a normal school hour operation with limited weekend and evening operations. He said peak drop off time in the morning may be 43 drop-offs. The sixth criteria is whether there is adequate parking and Mr. Nixon addressed that he said. Mr. Smith said the seventh criteria is that it must be appropriate in terms of municipal services and it would not be an increase to services. Mr. Smith said Mr. Jacobs talked about a PILOT, which would go towards that criteria as well. Mr. Smith said section 263-25 of the Code permits a non-conforming use to become another non-conforming use and this section has three criteria to be met. The first is whether or not the proposed use is a lesser use than the current use and I contend that it is as it is taking multiple uses and reducing it to one. The second criteria is whether or not the proposed use would have a lesser impact on the neighborhood and in terms of parking and traffic being that it is within regular school hours we believe it will be a

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lesser impact. The third criteria is whether or not the proposed use would impair the eventual elimination of the non-conformity and because this use is similar to those in the past, I don't believe it would hinder the reduction of the non-conformity in the future. He said this project has been reviewed by the Town of Southeast as well as the Putnam County of Planning and both offered a positive referral back to the Village of Brewster Board of Trustees.

Boardmember Ward said there were comments in Todd's memo indicated that waivers are being requested for utilities, grading, pavement, and schematic architectural plans because the building is existing and there are no related changes and the parking spaces are met, but Todd was stating that we needed to ask for interior alterations proposed. Mr. Atkinson said I'm concerned if they do grow and a constraint or limitation we can add as part of the resolution is to say that if they exceed a certain occupancy that they would need to come back and have a review of the parking requirements. He said there are no parking requirements in the Code for this zoning district that fit with the school. Mr. Folchetti said that is something that if the Board approved you could put in the Final Resolution with whatever parking parameters you want and if the applicant exceeds it, they would have to come back for a re-review or amended site plan.

The parking requirement for a school was discussed by the Board and they are unsure of what that number would be as well as what the occupancy maximum for that building would be under the zoning for a school. Trustee Gaspar said the Village Board is considering this application knowing that we are not in any way relinquishing the ability of the Planning Board to review any site plan in the future so if there is a change in the use or a change occupancy then the Building Department has an opportunity to get that change back in front of your Board to review as a site plan. Mr. Folchetti said I am suggesting that you use the guidance of the applicant, your professional consultants in engineering and building to determine what the appropriate parameters for the intended use are under the special exception use permit and you condition the final approval resolution in accordance with those parameters so that there is some reasonable leeway but there is a limit for occupancy or parking and if they exceed that limit they have to come back. Mr. Jacobs said we do hope to grow a little and we have found that the space is appropriate with the current parking for up to 50 students. Chairman Lowell said I don't know what the State limits on classroom size and square footage per student might be, which is why I am asking. Mr. Jacobs said even with more than 50 we would be well within State regulations, but we're perfectly happy with 50 because we would be giving up our philosophical view of the best approach to educate our population if we were to go bigger than that.

Boardmember New said does the school use buses or just drop-off. Mr. Jacobs said it's a combination of the two and the local school districts provide transportation using the small school buses, which fits well within the traffic plan in the parking lot.

Boardmember Ward said Todd's comment that we would need information on the interior was one. So, they're asking for positive referral tonight back to the Village

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Board. Mr. Atkinson said the reason I was looking for the interior design plans was to look at what kind of numbers we would need for parking. He said if the Board is content with the parking and putting that restriction in the resolution, I think that's a moot point now. Boardmember Ward said the Village Board is taking Lead Agency on the Special Exception Use, would that SEQR also apply to the Site Plan or do we have to do a separate SEQR for the Site Plan. Mr. Folchetti said you will do a separate SEQR for the Site Plan, but with respect to tonight your role is to make what's called a Report and Recommendation to the Board of Trustees regarding the application for a Special Exception Use Permit. It can be a positive recommendation, it can be a negative recommendation, it can be conditioned positive. Either way you don't need to deal with the parking tonight because that's going to be an issue of Site Plan. So, presuming they get their Special Exception Use Permit, that will be part of the design criteria that you're considering and you can condition that then. If you're prepared to do it tonight, I guess you could put it in your recommendation, but I think it's premature because it's a design detail that really is more appropriate for Site Plan rather than Report and Recommendation on a Special Exception Use Permit.

Boardmember Ward said regarding the timing, we make a positive recommendation to the Village Board. If they want to be in in September, can we meet that timing with going back and forth between the Boards. Chairman Lowell said that's not anything we can control and the process is being expedited as much as we can. Mr. Folchetti said if the Board makes its Report and Recommendation tonight you can also set a next meeting date because there are some design comments that Todd asked to be addressed before you set a public hearing. The Village Board of Trustees, if they grant the Special Exception Use Permit, it comes back to you in July and if you're satisfied with that then you can set a public hearing and vote anytime on the Site Plan after you have closed the public hearing. Theoretically they could be in before the school year starts, he said.

Boardmember Ward said Mr. Nixon is asking for waivers, will the Site Plan change from now? Mr. Folchetti said you are permitted to waive any portion of the site plan review and approval process. Chairman Lowell said we have descriptions of what they plan to do but not drawings or diagrams.

Chairman Lowell said has the list of property owners within 500 ft. of this property been submitted to us or the Village Board yet. Mr. Gaspar said that was given to the Village Board.

Chairman Lowell said is there certain verbiage that needs to be part of the Report and Recommendation. Mr. Atkinson said I would think it is just a positive referral back to the Village Board saying that you are content with what's been submitted, there will be additional material submitted for review by the Planning Board, and move forward with the process. Mr. Gaspar said what we're looking for is the ability to move this project forward and to get it back to the Planning Board in as expeditiously a timeframe as possible.

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The motion to make a Positive Report and Recommendation for a Special Exception Use Permit for the Longview School at 571 North Main Street (Tax Map 56.19-2-8) to the Village Board of Trustees was introduced by Chairman Lowell, seconded by Boardmember Ward and passed with a roll call vote of 3 to 0.

Boardmember Ward made a Motion to adjourn the meeting, seconded by Boardmember New, and passed all in favor.